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UNITED STATES OF AMERICA
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14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 v.
19 JOHN JACOB OLIVAS,"
20 Defendant.

ED CR No. 18-231-JGB

UNITED STATES' NOTICE OF LODGING
OF EXHIBIT 14 RELEVANT TO
DECLARATION OF DANIEL GREENBERG IN
SUPPORT OF OPPOSITION TO
GOVERNMENT'S MOTION IN LIMINE TO
ADMIT STATEMENTS (DKT. 222)

Trial Date: October 25, 2022
Trial Time: 9:00 a.m.
Location: Courtroom of the
Hon. Jesús G. Bernal

25 Plaintiff United States of America, by and through its counsel
26 of record, the United States Attorney for the Central District of
27 California and Assistant United States Attorneys Eli A. Alcaraz and
28 Frances S. Lewis, hereby files a Notice of Lodging of Exhibit 14

1 Relevant to the Declaration of Daniel Greenberg in Support of
2 Opposition to Government's Motion In Limine to Admit Statements (Dkt.
3 222).

4 In paragraph four of the declaration of Daniel Greenberg, Mr.
5 Greenberg asserts "I believed, at the time, that entering a plea
6 pursuant to People v. West was in Mr. Olivas's best interest. At the
7 time, I was unaware that the federal government had opened its own
8 criminal probe into the exact same allegations that gave rise to Mr.
9 Olivas's state prosecution." (Dkt. 222 ¶ 4.)

10 The lodged Exhibit 14 contains an email exchange between Mr.
11 Greenberg and the Deputy District Attorney Tara Foy (now Powell),
12 from July 2015, which was two months before defendant's September
13 2015 change of plea in the state proceedings. In the email, Mr.
14 Greenberg wrote, "I met with my client yesterday, . . . , and in
15 order to give me an opportunity to review the additional discovery
16 from the FBI, we will agree to continue the Olivas matter." (Ex. 14
17 at 1 (emphasis added).)

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1 The exchange between Mr. Greenberg and Ms. Foy predate the
2 change of plea hearing where defendant made admissions that are
3 admissible in this proceeding. The email in Exhibit 14 contradicts
4 Mr. Greenberg's declaration in docket entry 222, in particular about
5 his and defendant's awareness of a federal investigation, and
6 otherwise calls into question the reliability of his sworn
7 submission.

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9 Dated: October 24, 2022

Respectfully submitted,

10 E. MARTIN ESTRADA
United States Attorney

11 SCOTT M. GARRINGER
12 Assistant United States Attorney
13 Chief, Criminal Division

14 /s/Eli A. Alcaraz
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